

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

16-CV-39
ORDER

CHRISTOPHER LEE, et al.,

Defendants.

**ORDER VACATING JUDGMENT AND ADMINISTRATIVELY
CLOSING CASE WITH LEAVE TO REOPEN**

On March 26, 2019, the plaintiff moved for judgment of foreclosure and sale. Docket Item 19. On March 27, 2020, this Court granted the plaintiff's motion and entered judgment. Docket Item 22. On April 9, 2020, the plaintiff moved to vacate that judgment and administratively close the case with leave to reopen. Docket Item 23.

In support of its motion to vacate, the plaintiff states that defendant Christopher Lee filed a second petition under Chapter 13 of the United States Bankruptcy Code on June 17, 2019.¹ Docket Item 24 ¶ 5. At that point, there was an automatic stay of this matter under 11 U.S.C. § 362(a). The plaintiff, however, did not inform this Court of that stay, and this Court therefore proceeded to decide the plaintiff's motion for judgment of foreclosure and sale. Consequently, the plaintiff explains, the judgment entered on

¹ Lee previously had filed another bankruptcy petition. This Court closed this foreclosure matter during the pendency of that bankruptcy proceeding, see Docket Item 14, and reopened it on February 26, 2019, when the bankruptcy case was dismissed, see Docket Item 17.

March 27, 2020, “should be vacated as a result of the stay imposed by the more recent bankruptcy filing prior to the entry of the judgment.” *Id.* ¶ 6. The plaintiff further requests that this Court “administratively close this case and allow for an extension of time to move to reopen said action in order to complete the foreclosure.” *Id.* ¶ 7.

In light of the above information, the plaintiff’s motion to vacate judgment and administratively close the case with leave to reopen, Docket Item 23, is GRANTED. The judgment of foreclosure and sale that this Court entered on March 27, 2020, Docket Item 22, is VACATED. The Clerk of Court shall close this case. Upon an appropriate motion from the plaintiff, the case shall be reopened.

SO ORDERED

Dated: April 10, 2020
Buffalo, New York

/s/ Lawrence J. Vilaro
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE